

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR EDWARD WILLIAMS, III,

Plaintiff,

Case No. 12-15156

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Magistrate Judge Michael Hluchaniuk

Defendant.

OPINION AND ORDER

On November 21, 2012, Plaintiff Arthur Edward Williams, III, filed this lawsuit seeking review of the Commissioner of Social Security's final decision denying Plaintiff's application for social security disability benefits. (ECF No. 1.) The same day, this Court referred the lawsuit to Magistrate Judge Michael Hluchaniuk for all pretrial matters proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment, (ECF Nos. 16, 18), and Plaintiff responded to Defendant's motion, (ECF No. 19). On February 18, 2014, Magistrate Judge Hluchaniuk issued an R&R recommending that this Court grant Plaintiff's motion,

deny Defendant's motion, reverse the findings of the Commissioner, and remand the matter for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 20.)

In the R&R, Magistrate Judge Hluchaniuk examines the arguments set forth in the parties' respective summary judgment motions and discusses the record evidence with specificity. After engaging in a thorough and searching analysis, Magistrate Judge Hluchaniuk concludes that the Administrative Law Judge ("ALJ") made several discrete errors in adjudicating Plaintiff's application for benefits and that these errors preclude meaningful judicial review of the ALJ's decision. (R&R 27-33.) It necessarily follows that Magistrate Judge Hluchaniuk was unable to conclude that substantial evidence supported the ALJ's determination that Plaintiff was not under a "disability" as that term is defined in the Social Security Act.

At the conclusion of the R&R, Magistrate Judge Hluchaniuk advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 33.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

Having carefully reviewed the R&R, the Court concurs with the conclusions reached by Magistrate Judge Hluchaniuk. The Court therefore adopts Magistrate Judge Hluchaniuk's February 17, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED that Defendant's motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment is **GRANTED**;

IT IS FURTHER ORDERED that this matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

Dated: March 13, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Howard D. Olinsky, Esq.
Joshua L. Moore, Esq.
Allen Duarte, Esq.
Andrew J. Lievense, AUSA
Magistrate Judge Michael Hluchaniuk